

January 2006 Update

A meeting with interested stakeholders was held on January 18, 2006 and the following subjects were discussed. Further meetings have been scheduled (posted on this website) to continue the review of the draft rules (new draft posted on this website).

(Bold = discussion subject. Regular font = action taken.)

Add a definition of "donation" to clarify that it relates to the donation of the entire human remains and not body parts.

Changed the term used from "donation" to "anatomical gift not including a part as defined in A.R.S. § 36-841". ("Anatomical gift" is defined in R9-19-101.)

Revised the sections containing "donation" to reflect the change.

Discussed cremation after removal from state and cremation after human remains are brought into the state.

A.R.S. § 11-599 requires the approval of a medical examiner for the cremation of human remains.

R9-19-302. DISPOSITION-TRANSIT PERMIT

In subsection (A)(2), change to reflect that it's the local registrar responsibility to verify medical examiner's approval.

Deleted "contains the medical examiner's approval required in subsection (C)" and added "specifies cremation as a final disposition".

Delete donation as an anticipated final disposition.

The Department is required to collect information about "donation" as a final disposition for the federal government. (The term "donation" was changed to "anatomical gift not including a part as defined in A.R.S. § 36-841".)

Currently hospitals do not allow family members to remove human remains from the hospital until a disposition-transit permit is issued. This ensures that the information is provided for filing a death certificate before the human remains are released.

Cannot require that a family member obtain a disposition-transit permit before removing human remains from a hospital. Can work with the hospitals to help the families obtain disposition-transit permits to minimize any issues with law enforcement during the transport of the human remains.

Should vital records rules contain requirements for a county health officer's approval of the release of human remains for transplantation, therapy, or research authorized by the county health officer authorized by A.R.S. § 36-844(B)?

No

Discussed embalming requirements for transportation.

Not addressed in this rule package because the following sections dealing with preservation and transportation of bodies were recodified to different Chapters under the Department because the subject matter is a public health issue and not a vital records issue.

R9-19-312.	Preservation of bodies; general	R9-8-1102
R9-19-313.	Preservation when death caused by certain diseases	R9-6-389
R9-19-314.	Disposition of bodies	R9-8-1103
R9-19-321.	Attachment of disposal-transit permit while in transit	R9-8-1105
R9-19-326.	Container requirements for transportation of bodies and disinterred remains	R9-8-1104
R9-19-327.	Shipment of disinterred or cremated remains	R9-8-1106
R9-19-330.	Attachment of disinterment permit while in transit	R9-8-1107
R9-19-333.	Duties of funeral directors regarding disinterments	R9-8-1108

The recodified rules will be revised after the vital records rulemaking is completed.

Discussed Eric Peters's comments about medical certifiers other than the medical examiner using "pending further examination" as a cause of death.

Medical certifiers other than the medical examiner may enter "undetermined" as cause of death (using the standards from the National Center for Health Statistics) and later, if the cause of death is determined, submit an amendment to the certification of death.

Discussed John Marshall's comments about allowing persons other than parents of the deceased or a spouse to be eligible to obtain a copy of the death certificate.

Will address comment when drafting rules for obtaining copies of certificates.

Discussed Phillip Keen's comments concerning "a statement of non-communicable disease" that accompanies a body leaving the country.

This is a function of the county health system and it is not appropriate to include in these rules.

Will discuss the following comments submitted by John Mangum at the next meeting.

Add the underlined language:

R9-19-101.

7. "Organ procurement agency or organ procurement organization" ~~have~~has the same meaning as in A.R.S. § 36-841.

R9-19-301(A)

10. For a death that occurs in a hospital, nursing care institution, or hospice inpatient facility, if the deceased individual's human remains have been accepted for donation by an organ procurement agency or organization under A.R.S. Title 36, Chapter 7, Article 3, and the person authorized in A.R.S. § 36-843 has not made or declined to make an anatomical gift, whether the organ

procurement agency or organization has been notified that the deceased individual's human remains are being removed from the hospital; and...

John Mangum's comment:

The existing language incorrectly limits paragraph 7 of R9-19-101 and paragraph 10 of R9-19-301 and is inconsistent with the provisions of A.R.S. 36-841 and 36-846 that define eligible recipients and include both "an organ procurement organization and an organ procurement agency licensed under the laws of any state" as "eligible donees". An alternative would be to change the language to include any "eligible donee" in place of the words "organ procurement agency or organization". In addition, the provisions of paragraph 10 are inconsistent with other references in the proposed rules to facilities in which death may occur.

CHANGES TO THE RULE:

-In R9-19-302(A)(2), deleted "contains the medical examiner's approval required in subsection (C)" and added "specifies cremation as a final disposition".

-Changed the term "donation" to "anatomical gift not including a part as defined in A.R.S. § 36-841" ("anatomical gift" is defined in R9-19-101) and revised sections containing "donation" to reflect the change and clarify the requirement in R9-19-302(B) and (D), R9-19-304, and R9-19-306(B).

The next meeting is scheduled for February 1, 2006 at 1:30 - 3:30 p.m. in Conference Room 540A at 150 N. 18th Ave, Phoenix, AZ.